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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,942	09/18/2006	Philip Blythe	B-5837PCT 623080-7	1498

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EXAMINER

WRIGHT, BRYAN F

ART UNIT	PAPER NUMBER
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2131

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,942	Applicant(s) BLYTHE, PHILIP	
	Examiner BRYAN WRIGHT	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action in response to application September 18, 2006. Claims (1-18) are pending.

Priority

2. Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) - (d) is acknowledged.

The application is filed on September 18, 2006 but is a 371 case of PCT/AU05/00287 application filed 03/01/2005 which claims benefit of 60/553,366 filed 03/16/2004 and has a foreign priority application Australia 2004901382 filled on 03/16/2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 6-12, and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipate by Isiguro et al. (US Patent Publication No. 2004/0243808 and Isiguro hereinafter).

4. As to claim 1, Isiguro teaches a **method for allocating to a device a licence to use digital content, the method comprising the steps of:**

receiving a first block of ciphertext from the device (i.e., ...teaches a process of receiving content, which is provided by the content server, by the client [par. 55] ... teaches the content being encrypted [par. 62]);

decrypting the first block of ciphertext to obtain a second block of ciphertext (i.e., second digital signature) (i.e., ...teaches a decrypting encrypt content and obtaining a second digital signature [par. 62]);

determining whether the second block of ciphertext (i.e., second digital signature) **meets a criterion** (i.e., ... teaches the CPU verifies a second digital signature added to the usage right [abstract]).

and allocating the licence to the device if the second block of ciphertext (i.e., second digital signature) **meets the criterion** (i.e., ... teaches when the content and the usage right are unaltered, the CPU outputs the usage right [abstract]).

5. As to claim 2, Isiguro teaches a **method where the step of allocating the licence comprises the steps of:**

encrypting the first block of ciphertext to obtain a third block of ciphertext (i.e., ...teaches a encrypt content [S24, fig. 4]); **obtaining a usage right for the digital content** (i.e., ... teaches a load content information [S22, fig. 4]); **providing the device with the third block of ciphertext and an encrypted version of the usage right** (i.e., ...teaches a encrypt content [S24, fig. 4] ... further teaches version information included in encrypted content [par. 98]).

6. As to claim 3, Isiguro teaches a **method as claimed in claim 1 [[or 2]], wherein the step of determining whether the second block of ciphertext meets the criterion comprises the step of determining whether the second block of ciphertext corresponds to a last block of ciphertext received in relation to a request for the licence** (i.e., ... teaches a CPU verifies a second digital signature added to the usage right. ... teaches a CPU generates alteration detecting data on the basis of information included in the usage right. ... further teaches, when the content and the usage right are unaltered, the CPU outputs the usage right, the alteration detecting data, and the content to the content storage device [abstract]).

7. As to claim 4, Isiguro teaches a **method where the step of allocating the licence comprises the step of updating the last block of ciphertext such that it**

corresponds to the first block of ciphertext (i.e., ...teaches a CPU performs a usage right updating process [par. 81]).

8. As to claim 6, Isiguro teaches a **method as claimed where the licence is arranged to expire after a predetermined period of time** (i.e., ...teaches an expiration date indicates the expiration date of the usage right [par. 102]).

9. As to claim 7, Isiguro teaches a **method of requesting a licence to use digital content, the method comprising the steps of:**

obtaining a first block of ciphertext from a system arranged to allocate the licence (i.e., ... teaches a load content information [S22, fig. 4]);

encrypting the first block of ciphertext to obtain a second block of ciphertext (i.e., ...teaches a encrypt content [S24, fig. 4]);

and providing the second block of ciphertext to the system when requesting the licence (i.e., ...teaches a second digital signature is included in encrypted content transmitted to requestor [abstract]).

10. As to claim 8, Isiguro teaches a **method further comprising the step of providing the second block of ciphertext to another device for use thereby when requesting the licence** (i.e., ...teaches a second digital signature is included in encrypted content transmitted to requestor [abstract]).

11. As to claim 9, Isiguro teaches a **system for allocating a device with a licence to use digital content, the system comprising processing means arranged to perform the steps of:**

receiving a first block of ciphertext from the device (i.e., ...teaches a process of receiving content, which is provided by the content server, by the client [par. 55] ... teaches the content being encrypted [par. 62]);

decrypting the first block of ciphertext to obtain a second block of ciphertext (i.e., second digital signature) (i.e., ...teaches a decrypting encrypt content and obtaining a second digital signature [par. 62]);

determining whether the second block of ciphertext meets a criterion (i.e., ... teaches the CPU verifies a second digital signature added to the usage right [abstract]);

and allocating the licence to the device if the second block of ciphertext (i.e., second digital signature) meets the criterion (i.e., ... teaches when the content and the usage right are unaltered, the CPU outputs the usage right [abstract]).

12. As to claim 10, Isiguro teaches a **system where the processing means is arranged to perform the following steps when allocating the licence to the device:**

encrypting the first block of ciphertext to obtain a third block of ciphertext (i.e., ...teaches a encrypt content [S24, fig. 4]);

obtaining a usage right for the digital content (i.e., ... teaches a load content information [S22, fig. 4]);

providing the device with the third block of ciphertext and an encrypted version of the usage right (i.e., ...teaches a encrypt content [S24, fig. 4] ... further teaches version information included in encrypted content [par. 98]).

13. As to claim 11, Isiguro teaches a **system where the processing means is arranged to perform the following step when determining whether the second block of ciphertext meets the criterion:**

determining whether the second block of ciphertext corresponds to a last block of ciphertext received in relation to a request for the licence (i.e., ... teaches a CPU verifies a second digital signature added to the usage right. ... teaches a CPU generates alteration detecting data on the basis of information included in the usage right. ... further teaches, when the content and the usage right are unaltered, the CPU outputs the usage right, the alteration detecting data, and the content to the content storage device [abstract]).

14. As to claim 12, Isiguro teaches a **system where the processing means is arranged to perform the step of updating the last block of ciphertext such that it corresponds to the first block of ciphertext when allocating the licence** (i.e., ... teaches determinant of a usage rights existing and expired performs a update process to update original usage with rights with new expiration date [par. 81]).

15. As to claim 14, Isiguro teaches a **system where the licence is arranged to expire after a predetermined period of time** (i.e., ...teaches an expiration date indicates the expiration date of the usage right [par. 102]).

16. As to claim 15, Isiguro teaches a **device for requesting a licence to use digital content, the device comprising a processing means arranged to perform the following steps:**

obtaining a first block of ciphertext from a system arranged to allocate the licence (i.e., ... teaches a load content information [S22, fig. 4]);

encrypting the first block of ciphertext to obtain a second block of ciphertext (i.e., ...teaches a encrypt content [S24, fig. 4]);

and providing the second block of ciphertext (i.e., second digital signature) **to the system when requesting the licence** (i.e., ...teaches a second digital signature is included in encrypted content transmitted to requestor [abstract]).

17. As to claim 16, Isiguro teaches a **device where the processing means is arranged to perform the step of providing the second block of ciphertext to another device for use thereby when requesting the licence** (i.e., ...teaches a second digital signature is included in encrypted content transmitted to requestor [abstract]).

18. As to claim 17, Isiguro teaches a **computer program comprising at least one instruction for causing a computing device to carry out the method as claimed in claim 1** (i.e., ... teaches program of the present invention causes a computer to perform a process including a selection step of selecting content to be stored on a content storage device [par. 13]).

19. As to claim 18, Isiguro teaches a **computer readable medium comprising the computer program claimed in claim 17** (i.e., ... teaches program of the present invention causes a computer to perform a process including a selection step of selecting content to be stored on a content storage device [par. 13]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isiguro in view of Kobata et al. (US Patent Publication No. 2002/0077985 and Kobata hereinafter).

21. As to claim 5, Isiguro teaches a **method, further comprising the steps of:**

determining whether there exists a previous block of ciphertext that was received in relation to another request for a licence and which corresponds to the second block of ciphertext (i.e., ...teaches when it is determined that the usage right has already been obtained, or when the usage right obtaining process is performed and the usage right is obtained [par. 81]) Those skilled in the art would recognize a previous request for usage would have had to been performed for there to exist current usage right);

where the steps of determining whether there exists a previous block [par. 81],

However Isiguro does not expressly teach;

and issuing the device with a notification that the licence has expired if it is determined that the previous block of ciphertext exists and was obtained prior to the last block of ciphertext being obtained;

and issuing the device with the notification are carried out upon determining that the second block of ciphertext does not meet the criterion.

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Isiguro as introduced by Kobata. Kobata discloses:

and issuing the device with a notification that the licence has expired if it is determined that the previous block of ciphertext exists and was obtained prior to

the last block of ciphertext being obtained (for purpose of expiration notification Kobata provides the capability of notifying upon detection on notification upon expiration of usage rights [par. 146]);

and issuing the device with the notification are carried out upon determining that the second block of ciphertext does not meet the criterion (for purpose of expiration notification Kobata provides the capability of notifying upon detection on notification upon expiration of usage rights [par. 146]).

Therefore, given the teachings of Isiguro, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Kobata by employing the well known features of expiration notification disclosed above by Isiguro, for which privilege management will be enhanced [par. 146].

22. As to claim 13, Isiguro teaches a **system where the processing means is arranged to perform the following steps:**

determining whether there exists a previous block of ciphertext that was received in relation to another request for a licence and which corresponds to the second block of ciphertext (i.e., ...teaches when it is determined that the usage right has already been obtained, or when the usage right obtaining process is performed and the usage right is obtained [par. 81]) Those skilled in the art would recognize a previous request for usage would have had to been performed for there to exist current usage right);

where the steps of determining whether there exists a previous block [par. 81],

However Isiguro does not expressly teach;

and issuing the device with a notification that the licence has expired if it is determined that the previous block of ciphertext exists and was obtained prior to the last block of ciphertext being obtained;

and issuing the device with the notification are carried out upon determining that the second block of ciphertext does not meet the criterion.

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Isiguro as introduced by Kobata. Kobata discloses:

and issuing the device with a notification that the licence has expired if it is determined that the previous block of ciphertext exists and was obtained prior to the last block of ciphertext being obtained (for purpose of expiration notification Kobata provides the capability of notifying upon detection on notification upon expiration of usage rights [par. 146]);

and issuing the device with the notification are carried out upon determining that the second block of ciphertext does not meet the criterion (for purpose of expiration notification Kobata provides the capability of notifying upon detection on notification upon expiration of usage rights [par. 146]).

Therefore, given the teachings of Isiguro, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Kobata by employing the well known features of expiration notification disclosed above by Isiguro, for which privilege management will be enhanced [par. 146].

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/
Examiner, Art Unit 2131

**/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2131**